REMARKS

By this amendment, claims 1-38 are pending, in which no claims are canceled, withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The final Office Action mailed January 3, 2008 rejected claims 1-38 under 35 U.S.C. § 102 as anticipated by *Dev et al.* (US 5,504,921).

At the outset, Applicants note that the Examiner has simply reiterated the previous rejection verbatim and made the action final. This reiteration includes an indication that our "request for reconsideration **filed 04/11/07** has been entered and carefully considered," that arguments "regarding rejection under 35 U.S.C. §103 to claims (1-38) have been found to be persuasive," and that the claims "are rejected under the new ground of rejection as set forth below" (Final action of January 3, 2008 – page 2). Clearly, this reiteration is not responsive to Applicants' response of October 9, 2007, as the words of the Final action refer to the response of April 11, 2007, there was no outstanding rejection under 35 U.S.C. §103 as of Applicants' response of October 9, 2007, and there is no "new ground of rejection" in the Final rejection.

The only argument by the Examiner directed to Applicants' response of October 9, 2007 appears in the "Response to Arguments" section of the Final action, at pages 7-9, and Applicants will therefore direct their arguments to this portion of the Final action.

Applicants maintain their position that *Dev et al.* fails to disclose "network element subsystems including console connections and application connections," or "means for mapping text of a received original message to one or more of a plurality of alarm attributes," and that, therefore, *Dev et al.* cannot anticipate the instant claims.

The Examiner previously relied on col. 5, lines 1-10 of *Dev et al.* for a teaching of "network element subsystems including console connections and application connections." Responsive to Applicants' traversal in the prior response of October 9, 2007, indicating that this

portion of *Dev et al.* relates to various network devices being represented as models and that there is no disclosure therein that a recited "subnetwork" includes any "console connections and application connections," the Examiner now changes course and refers to col. 4, lines 32-50, of *Dev et al.* for this claimed limitation.

In particular, the Examiner notes that the present specification discloses that the server of an Alarm Monitoring System receives a continuous stream of messages generated by two sources: 1) console connection, and 2) application connections; and that application connections may use either TCP/IP or DECNet.TM, while console connections may employ telnet protocols. The Examiner then offers definitions of TCP/IP and telnet at page 7 of the Final Action. Based on these definitions, the Examiner determines that console connections and application connections are taught by *Dev et al.* at col. 4, line 32-50. Respectively, the Examiner's rationale is flawed.

The cited portion of *Dev et al.* merely refers to an example of a network, wherein various workstations and disk units are located in different rooms of a building and interconnected by a data bus, while network devices are located in a different building at the same site. Network portions located in different buildings are connected by a bridge. There are also network devices located in buildings remote from the site of the other buildings. However, there is absolutely no disclosure herein of "console connections and application connections."

While the Examiner's rationale is not clear, and Applicants should not be required to guess as to the Examiner's rationale for the rejection, it is conceivable that the Examiner is proposing that the networks recited at col. 4, lines 32-50, of *Dev et al.* communicate via TCP/IP and/or telnet protocols. While *Dev et al.* does not indicate the protocols by which the networks communicate, even assuming, *arguendo*, that TCP/IP and/or telnet protocols are used, there is no basis for concluding that networks communicating by TCP/IP and or telnet protocols include

"console connections and application connections." Applicants do necessarily not deny that TCP/IP and telnet, per se, are known communication protocols. However, merely because Applicants employ these known communication protocols in generating a continuous stream of messages by a console connection (telnet) and application connections (TCP/IP) to a server of an Alarm Monitoring System, it does not follow that *Dev et al.*, by teaching networks that could conceivably employ TCP/IP and/or telnet protocols, discloses that those networks include "network element subsystems **including console connections and application connections**," as claimed. The Examiner's insistence that console connections and application connections would be parts of the networks of *Dev et al.* is really an assertion of inherency. Yet, Applicants have challenged such an assertion (see, e.g., page 11 of the October 9, 2007 response) and the Examiner has yet to offer any evidence of the apparent assertion that the disclosure of a network must, necessarily, include console connections and application connections. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) citing Continental Can Co. v. Monsanto Co., 948 F.3d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. Id. At 1269, 20 USPQ2d at 1749 (quoting In re Oelrich, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981).

Only Applicants, and not *Dev et al.*, disclose, and claim, "network element subsystems **including console connections and application connections**," and it is only impermissible hindsight infecting the Examiner's eyes that permits any finding within *Dev et al.* of "network element subsystems **including console connections and application connections**."

Moreover, *Dev et al.* lacks other features of the claimed subject matter, such as, for example, "means for mapping text of a received original message to one or more of a plurality of alarm attributes." The Examiner again relies on col. 4, lines 54-65, and co. 12, lines 32-50, of *Dev et al.*, and asserts that "Dev teaches sending status information to a network management system and presenting 'operational status, faults and other information pertaining to the network'." The Examiner also notes that the claim language "mapping" is "not specific and clear enough to describe the *invention specification. The term of 'mapping text of a received original message to one alarm attribute' is a broad term*" (Final action of January 3, 2008 – page 8).

In accordance with the specific claim language, the **text** of an original message is **mapped** to alarm attributes. The cited portion of *Dev et al.* does not relate to any "mapping" of information to alarm attributes, the only recitation of "a map" relating to a map of a "northeast region." Moreover, to whatever extent the Examiner may be reading the presentation of "operational status, faults and other information pertaining to the network" in *Dev et al.* as a correlation of a message (status information) to a fault, and therefore to some type of "mapping" (a reading which Applicants dispute), there is clearly no disclosure in *Dev et al.* of any mapping of **text** of an original message to alarm attributes, as required by the claims.

With regard to the Examiner's allegation that the claim language "mapping" is "not specific and clear enough to describe the *invention specification. The term of 'mapping text of a received original message to one alarm attribute' is a broad term*," if the Examiner really is of the opinion that this language is not "specific and clear enough," the rejection should have been under 35 U.S.C. §112, second paragraph, and not under 35 U.S.C. §102, as anticipation cannot lie where there is an ambiguity as to what the claimed subject matter entails. However, the language, "mapping text of a received original message to one or more of a plurality of alarm

attributes" is quite clear and specific, as it describes taking specific text of a message and relating, or mapping, that text to a specific alarm attribute(s). It is noted that while the Examiner alleges that the claim language is "not specific and clear enough," the Examiner does not point out exactly what it is in this claim language that is "not specific and clear enough."

Accordingly, *Dev et al.* does not disclose at least the claimed features of "network element subsystems including console connections and application connections," and "means for mapping text of a received original message to one or more of a plurality of alarm attributes," or, as it relates to independent claim 36, "a network alarm monitoring process to map the event messages to an alarm data structure."

In accordance with claim 36, a service control point must comprise three elements: 1. a transaction server; 2. a communications server; and 3. a terminal server. The terminal server must provide "access to a plurality of event messages from the transaction server and communications server and also transmit the event messages over a network link. Additionally, claim 36 requires "a telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link" and "a network alarm monitoring process to map the event messages to an alarm data structure," as well as "a network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm conditions."

Dev et al. discloses none of these claimed features nor the functional interrelationships therebetween. While, the Examiner points to col. 5, lines 1-17, col. 3, lines 38-55, and col. 13, lines 1-15, of the reference for the claimed features, a quick reference to *Dev et al.* will show that the cited col. 3 portion relates to a virtual network machine and the management of a software representation of the network, wherein models represent devices and other entities associated with the network, and relations between the models. A database manager manages storage and

retrieval of data that may include configuration data, an event log, statistics, history, and current state information; and a device communication manager is connected to a network, handling communication between the virtual network machine and network devices. *Dev et al.* does mention "an event log," but there is no mention of a terminal server transmitting any "event messages" over a network link, or "a network alarm monitoring process to map the event messages to an alarm data structure." The Examiner alleges, at page 9 of the Final action of January 3, 2008, that it "was **obvious** that the transaction server and communication server are taught in the Dev's system" [sic]. While Applicants dispute this finding, Applicants would also remind the Examiner that the **obviousness** of providing a transaction server and a communication server notwithstanding, the rejection is based on anticipation under 35 U.S.C. §102, and not obviousness under 35 U.S.C. §103. Therefore, on its face, the Examiner's rationale for the rejection of claim 36 is flawed.

In a similar manner, the cited col. 13 portion of the reference mentions an "alarm log" and an "event log," but there is no indication that there are any "event messages" being accessed via a terminal server, there is no indication that "event messages" are transmitted over a network link; there is no indication of a "telecommunications network alarm monitoring server linked to the terminal server of the service control point over the network link," there is no indication of a "network alarm monitoring process to map the event messages to an alarm data structure," and there is no indication of a "network link to the telecommunications network alarm monitoring server to enable transmission of messages by the network alarm monitoring server in response to recognized alarm conditions."

At page 9 of the Final action of January 3, 2008, the Examiner merely repeats the assertion that *Dev et al.* does disclose these claimed features at col. 3, lines 38-55, and col. 13, lines 1-15, without further explanation as to how the reference is being applied to the claimed

subject matter. Applicants have pointed out the claimed features not shown by the reference even though it is difficult for Applicants to be any more specific because the Examiner has offered only a broad disclosure of networks, alarm logs, and event logs to allegedly meet the claim language, without giving any specifics as to how the reference is being applied. The Examiner has the initial burden of establishing a *prima facie* case of anticipation before Applicants are even required to respond. However, in the instant case, the Examiner has offered only generalities of networks, alarm logs and event logs as "evidence" of anticipation, without applying specific teachings of the reference to specific claimed features, falling far short of the required *prima facie* showing.

Therefore, there can be no anticipation of the instant claimed subject matter by *Dev et al.* and the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-38 under 35 U.S.C. § 102.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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